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10 Attorneys for Defendant
11 THOMAS C. DASHIELL

12 UNITED STATES BANKRUPTCY COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA
15
16 OAKLAND DIVISION

17 In re
18 THOMAS C. DASHIELL,
19
20 Debtor.

CHAPTER 7 CASE NO. 10-71453-EDJ-7

21 MOKELUMNE STATION, LLC, a
22 California limited liability company;
23 SCOTT BATES, an individual; DARYL
24 DUNCAN, an individual purportedly doing
25 business as DUNCAN COMMERCIAL
26 PROPERTIES,

27 Plaintiffs,

28 v.

29 THOMAS C. DASHIELL,
30
31 Defendant.

ADV. PROC. NO. 10-04414-EDJ

MOTION OF DEFENDANT THOMAS
DASHIELL TO DISMISS
NONDISCHARGEABILITY ADVERSARY
COMPLAINT

DATE: February 7, 2011
TIME: 11:00 a.m.
JUDGE: Hon. Edward Jellen
ROOM: Courtroom 215
ADDRESS: 1301 Clay Street, Oakland, CA

32 Defendant Thomas C. Dashiell ("Dashiell") respectfully moves the above-entitled Court
33 to dismiss with prejudice the above-captioned nondischargeability adversary complaint ("the
34 Complaint") of plaintiffs Mokelumne Station LLC ("the LLC"), Scott Bates ("Bates") and Daryl
35 Duncan ("Duncan") (together "the Plaintiffs").

1 Good cause exists for such dismissal, because the Complaint was untimely filed, to wit:

2 (a) The Complaint seeks a judgment that certain alleged debts are
3 nondischargeable under the provisions of Bankruptcy Code §§ 523(a)(2), (4) and (6) and 727(a);

4 (b) Federal Rules of Bankruptcy Procedure Rules 4004(a) and 4007(c) require
5 that such complaint be filed not later than sixty (60) days after the date set for the first meeting of
6 creditors;

7 (c) On October 5, 2010, the above-entitled Court set: (i) October 27, 2010 as
8 the date for such first meeting of creditors; and (ii) December 27, 2010, as the deadline for the
9 filing of such complaint;

10 (d) More than thirty (30) days prior to December 27, 2010, the LLC, Bates and
11 Duncan received written notice of: (i) the existence the above-captioned Chapter 7 case; and (ii)
12 said December 27, 2010 filing-deadline; and

13 (e) The LLC, Bates and Duncan filed the Complaint on December 28, 2010,
14 i.e., *after* said December 27, 2010 filing-deadline.

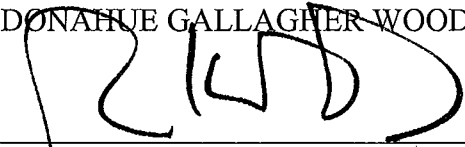
15 Said motion will be based upon this notice, the motion filed herewith, the memorandum
16 filed herewith and the declaration of Jane McFadden filed herewith.

17 Opposition to this motion, if any there be, must be filed in writing, along with any papers
18 and pleadings in support thereof, and served on below-signed counsel, on before January 21, 2011.

19 WHEREFORE, Defendant Thomas C. Dashiell prays for relief as is set forth above.

20
21 Dated: January 2, 2011

DONAHUE GALLAGHER WOODS LLP

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24 ROBERT F. KIDD, ESQ.
25 Attorneys for debtor and defendant
26 THOMAS C. DASHIELL
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